



Normalcy and the Reasonable and Prudent Parenting Standard Guidance for Parents and Legal Guardians

A. Introduction

This is one of a series of guidance documents for stakeholders on the reasonable and prudent parent standard and normalcy provisions of federal and state law. **This document is targeted at parents and legal guardians of children and youth who are placed in foster care through CP & P.** There are additional documents for other stakeholders and system partners, such as caseworkers, caregivers and youth. You can find these additional FAQ here:

- [FAQ - Normalcy and the Reasonable and Prudent Parenting Standard Guidance for Child Welfare Professionals](#)
- [FAQ - Normalcy and the Reasonable and Prudent Parenting Standard \(RPPS\) Guidance for Caregivers in Resource Family Homes](#)
- [FAQ - Normalcy and the Reasonable and Prudent Parenting Standard: Information for Youth and Young Adults](#)

In 2014, Congress enacted the Preventing Sex Trafficking & Strengthening Families Act, which promotes “normalcy” for children and youth in the foster care system. “Normalcy” essentially means that youth placed in the foster care system should be provided the same opportunities to participate in activities as their peers who are not involved in foster care. Put simply, normalcy means reducing system barriers so that we can “let kids be kids.”

For many years, youth in the foster care system have faced barriers to taking part in experiences that most kids take for granted, like participating in activities at school and spending time with friends. The good news is that the law has changed to reduce barriers so that youth can have more opportunities to participate in activities. These changes do result in foster/resource family parents getting to make decisions about the participation of children and youth in activities. This change does **not** affect your rights to make important decisions about your child, like education, health, and religion. This document provides parents and legal guardians information so you are informed about the changes in the law, understand how these changes impact you, and so you can provide your input about decision making.

Here are the basic ways the law helps children and youth be able to participate in activities while they are in foster care:

- **Caregivers, which includes resource family parents and designated staff at congregate care homes and facilities, are now able to make decisions about whether a youth can participate in certain activities. These activities include: extracurricular, enrichment, social, and cultural activities. Caregivers can make these decisions on their own without getting the permission of a Worker or going to court.**



- **Caregivers can decide whether or not youth can participate in activities by using what is called the “reasonable and prudent parent standard.” This standard is simply the decision- making standard a parent would use in making decisions about his or her own child. All caregivers are required to be trained about the normalcy law and reasonable and prudent parent standard.**
- **Caregivers are protected from liability if a child is hurt during an activity the caregiver gave permission for as long as the caregiver 1. was trained in the reasonable and prudent parent standard and 2. exercised the standard. This protection shows caregivers that they should not let their decisions be driven by fear; they should use their good judgement and skill.**

Q1: What is the Preventing Sex Trafficking & Strengthening Families Act and what is it about?

A: The Preventing Sex Trafficking & Strengthening Families Act is a federal law that was enacted by Congress in 2014 and applies to all states, including New Jersey. One part of the law promotes “normalcy” for children and youth placed in foster care. The “normalcy” provisions try to reduce barriers that children and youth in foster care face so that they have more opportunities to participate in activities and be a part of the community in which they are living. Activities can help youth develop skills, learn who they are, and discover what they want to be when they grow up. They also help youth develop social ties and connections, provide them with an outlet for their feelings, and create an opportunity for youth to express themselves.

Under the “normalcy” provision, resource family parents and designated staff at congregate care homes and facilities and supervised independent living placements are able to make decisions about whether a youth can participate in certain activities, which will be described below. They can make these decisions using what is called “the reasonable and prudent parent standard,” and can do this without getting the permission of a Worker or going to court. We will explain more about the reasonable and prudent parent standard below and how you can provide input into the decisions that are made.

Q2: What types of activities does the law apply to?

A: Caregivers can make the decisions about whether children and youth can participate in **extracurricular, enrichment, social, and cultural activities**. Caregivers can make these decision on their own without getting the permission of a Worker or going to court. Examples of activities include, but are not limited to, the following:

- Community events and activities
- Most short trips or excursions. (See the travel policy for more detail.)
- Camping/hiking
- Sports and clubs
- Swimming and water activities
- Day/sleep over camps
- Field trips
- School related activities
- Youth organization activities
- Attending a movie/mall or other social outing with friends
- Spending the night away from the caregiver’s home at the home of friends or as part of a planned



activity

- Volunteering and internships
- Dating
- Travel in cars with peers and/or the parents of peers
- Access to a telephone for phone calls
- Access to the internet and social media

Q3: Does the law apply to all children and youth placed by CP & P?

A: Yes. It applies to all children and youth who are placed through CP & P. This includes resource family care, kinship care, congregate care homes and facilities, and supervised independent living placements. Please note that special guidance will be provided at a later date on the application of the law to congregate care homes and facilities as well as treatment facilities.

Specific populations of youth protected under the law may require caregivers to take additional considerations into account in decision making, but all youth should be supported in participation in activities. Youth with disabilities, LGBTQ youth, youth who are parents, youth in juvenile justice system, and youth 18-21 all deserve normalcy and to participate in age appropriate activities in the community. **Your advocacy and knowledge of the needs of your child can help make sure your child gets to participate in activities and has what he or she needs to do so safely.**

Q4: How will any costs associated with youths' participation in activities be covered?

A: The law does not directly address funding activities or dictate a specific amount for caregivers to spend on activities. The base level of care rate for a child in resource family care includes provisions for living costs as well as vacation, enrichment, entertainment, and special events. Below are a few funds that caregivers and Workers can apply for to cover costs:

1. Flexible Funds can be requested by the Worker to cover the cost of enrichment activities after all other funds have been exhausted.
2. Funds from the Local Office Bank Account can be requested by the Worker for clothing related to activities, such as teams or clubs.
3. Embrella (formerly FAFS) has two funds--Fostering Wishes for Children and Dreamers and Believers—that can be requested to pay for enrichment activities, including summer camps. Click [here](#) for more information.
4. Requests for funds to cover various needs and enrichment activities/items can be made to [One Simple Wish](#).

Parents and legal guardians can continue to pay for or start paying for activities and should be included in the brainstorming if cost is an issue.

Q5: What is the reasonable and prudent parent standard?

A: The reasonable and prudent parent standard asks caregivers to make decisions for youth just as they would for their own children. It is characterized by careful and sensible decisions that maintain the health, safety, and best interest of the child, while also encouraging growth through participation in age and developmentally



appropriate activities. CP&P will put the standard in place by ensuring that caregivers have training in exercising the standard and that congregate care homes and facilities or independent living placements have a designated caregiver to exercise the standard. As a parent or legal guardian, you know your child the best. You can be a great source of information that can help a caregiver make a good decision.

In applying the standard, a caregiver should gather adequate information about the activity, think about the youth, and consider the following

- The appropriateness of the activity, child/youth's age, and developmental stage
- Potential safety risks involved in the activity
- Supports, planning, or accommodations that can help manage the potential risks of the activity
- Determining if supervision will be provided or is needed
- Encouraging the child/youth's formation of healthy age-appropriate social relationships and bonds
- Allowing the child/youth to maintain an age-appropriate degree of personal privacy
- Helping the child/youth develop skills and nurtures an interest or talent
- Encouraging the emotional, developmental, or cultural growth of the child/youth
- Helping connect the child/youth to the community
- Helping the child/youth to use and develop age-appropriate autonomy and decision-making skills

Finally, the decisions a caregiver makes using the reasonable and prudent parent standard cannot conflict with requirements of the case plan or a court order. This includes orders for visitation.

Q6: How will parents and legal guardians be involved in decision-making for the child or youth about participation in enrichment, extracurricular, social and cultural activities?

A: Workers should inform and explain the provisions of the law to parents and legal guardians and clarify that the law does not impact the rights they retain to make important decisions about their children. Parents should be included in conversations related to activities to voice their concerns and opinions.

The opinion of the parent or legal guardian may not necessarily determine whether a child will participate in an activity or not, but the parent will likely have helpful information that a caregiver can use to make a good decision so sharing views and information is important. Parents may also be able to participate in activities with youth when consistent with the permanency and visitation plan. Parents are encouraged to use their discussions with Workers and in case planning meetings to weigh in on planning for a child's activities so that the whole team can support the child.

Q7: How will the child be involved in decision making about activities?

A: Resource family parents and designated caregivers at congregate care homes and facilities should consult with the child or youth about their wishes in an age-appropriate manner. Involving youth in decisions about their participation in activities provides learning opportunities for the child, promotes independent living skills, and empowers the child to be involved in their own planning. In the end, the caregiver gets to make the decision, but the decision is likely to be a better one—and one the youth can accept-- if the youth has been involved.



Q8: As a parent what are the best ways that you can provide input on decision-making about activities?

Parents and legal guardians should actively participate in case planning for and their child. Case planning meetings are excellent times to talk about participation in activities and to try to influence the decisions made about the activities that your child will participate in. Parents can also ask to have a family team conference and ask that participation in activities be discussed. Both of these meetings give parents the opportunity to share their thoughts and also to understand the views of the caregiver and Worker. If a parent or guardian is interested in interacting with and getting support from the resource family parents, they should make sure the Worker knows and can help with supporting that relationship and connection. Working together to support the child or youth is always the ideal.

Q9: What if a parent or legal guardian disagrees with a decision that a caregiver makes about a child's participation in an activity?

Parents and legal guardians are encouraged to provide input about the activities that a child or youth participates in by speaking to the Worker and as part of conversations in case planning meetings. You can also ask for a family team meeting to talk about the activities your child is participating in. If these attempts at providing input are not successful and the parent does not agree with the decisions the caregiver makes, a parent can do the following:

1. Speak with the Worker and their Supervisor.
2. Contact your attorney and let them know of your concerns.
3. Bring the issue to the attention of the judge at the next review hearing or ask your attorney to request a hearing as soon as possible.

Q10: Is there a process for children or youth to dispute their caregiver's decisions under the reasonable and prudent parent standard?

A: The reasonable and prudent parent standard gives caregivers decision-making power for certain activities and does not require approval from outside parties, CP&P, the court, or parents and legal guardians. Youth, especially those who are 14 years old or older, should be involved in conversations about participation in activities so that they can express their interest and understand the caregiver's reasoning. However, just as with any other decision that a parent makes, a caregiver may say "no" to a child's request to participate in an activity.

Caregivers should talk with the youth about their reasons for denying permission for participation in an activity so that they understand the decision. The caregiver should discuss and brainstorm with the youth other ways that they may be able to participate in the activity or what would need to happen so that the youth could participate.

If the youth is dissatisfied with a caregiver's decision after such a discussion, he or she should be encouraged to:

4. Speak with his or her Worker and their Supervisor.
5. Learn about their rights by reading the [Youth Bill of Rights](#).
6. Ask for the issue to be discussed at a case planning or family team meeting.
7. Contact the Office of Advocacy (Telephone: 1-877-543-7864 – Email: askdcf@dcf.state.nj.us)
8. Contact the law guardian or CASA on the case.



9. Bring the issue to the attention of the judge at the next review hearing.

Q11: Can a caregiver be held liable if a child is hurt while participating in an activity a caregiver approved?

A: A caregiver is not liable for harm caused to a child who participates in an activity approved by the caregiver, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard and has been trained on the standard. Even when good decisions are made, accidents can happen. This liability protection makes clear that decisions should not be made out of fear.

Situations Where the Normalcy Law Applies or the Caregiver Can Make The Decision Under Existing Law.

Below are activities or situations where caregivers for a child or youth in foster care can make decisions using the reasonable and prudent parent standard. Parents and legal guardians should provide input and raise issues of concern at case planning and family team meetings so the best decisions can be made for the child.

- Unsupervised time at home: While the normalcy law does not apply to unsupervised time at home, in New Jersey, all parents, including resource family parents, can determine the level of supervision that a child needs and under what circumstances they can be alone.
- Unsupervised time in the community: Caregivers can decide if unsupervised activities-like going to the mall or movies-- are appropriate using the reasonable and prudent parent standard.
- Another Individual Watching the Youth: Caregivers can select a reliable and mature individual to provide short term care and supervision of a child as a “babysitter.” (“Babysitting” is short term care that is less than 24 hours and occurs on an occasional basis).
- Overnight trips that are seven or fewer nights: A caregiver can decide using the reasonable and prudent parent standard whether trips of one to seven nights are appropriate. These could include trips with the caregiver, friends, or an organized activity. The caregiver must notify the Worker. Background checks for individuals in a friend’s home are not required. CP&P has issued an Overnight Travel Policy that can be [found](#) here.
- Overnight trips that are over 7 nights: Caregivers are encouraged to take children on vacation in and out of state using the reasonable and prudent parent standard. If the trip will last more than seven nights, the resource family parent should ask for authorization from CP&P. CP&P’s policy is to provide authorization of such requests as long as the trip is age -appropriate. Parents and legal guardians will be notified of the request and asked to provide consent. The vacation cannot violate any court ordered case plan requirements, such as visitation, without securing authorization from all parties or the court. For more details see [this policy](#).
- Social Media and Electronic Devices: Caregivers can use the reasonable and prudent parent standard to make decisions about use of social media, a cell phone or other electronic devices with data and access



to the internet. CP&P encourages access to technology for youth in foster care, and seeks to balance supporting access with child safety and respect for the wishes of the child's caregiver and parent or legal guardian. Youth in care should be given the opportunity to have access to a cell phone to the same extent as their peers, but the caregiver should use the reasonable and prudent parent standard to determine rules around use of a cell phone. Also note that CP&P cannot purchase cell phones or minutes, so purchase of a phone and a data plan needs to be determined by the youth's case planning team, including the parent or guardian. To find out more, check out the [Social Media Policy](#).

- **Dating**: Caregivers can use the reasonable and prudent parent standard to make decisions about the appropriateness of dating.
- **Haircuts**: Caregivers can use the reasonable and prudent parent standard to make decisions about haircuts and styling related to everyday care. Caregivers should engage the child's parents and family if possible, especially when these decisions are not time sensitive. Hair styles may have great cultural significance for the child and the child's family, such as long hair for tribal children so taking care with these decisions is important. In addition, resource parents should be familiar with and understand the cultural norms of the child and their family before considering whether to have the child's hair cut or styled differently. **Parents are encouraged to provide input about a child's hair or styling so that caregivers are in the best position to make good decisions that help provide care for the child and respect your traditions, culture, and views.**

Situations Where Parents or Legal Guardians Retain Key Decision-making Rights

*The normalcy law and the reasonable and prudent parent standard apply to an important group of activities and decisions, but not all decisions. **Parents and legal guardians retain many important decision making rights and this has not been changed by the normalcy law.***

- **Education**: Parents, legal guardians, or education decision makers appointed by the court have the legal right to make decisions about a youth's education, such as a youth's educational placement, an Individualized Education Plan (IEP) if one exists, and any school disciplinary actions. This also includes permission for a youth to attend college or vocational school if he or she is under 18. However, a caregiver can make decisions about activities related to or that take place at school, such as field trips, clubs, extracurricular activities or SAT/ACT prep.
- **Religion**: Caregivers are not permitted to make religious decisions for the youth. The law does not interfere with a parents' abilities to make decisions about youth's religion or the right that the youth has to practice or not practice any religion when he or she is in foster care.
- **Physical Health and Behavioral Health Treatment**: The normalcy law does not impact existing law regarding youth's medical or behavioral health care. Parents retain their rights to make these decisions and consent to treatment. However, under some circumstances, youth may consent to treatment on their



own, such as obtaining birth control, pregnancy tests, testing for sexually transmitted diseases, and treatment for HIV if they are over 13-years-old, and medical care if they are a parent. Youth of any age have the authority to consent to substance abuse treatment and youth who are age 16 or older have the authority to consent to behavioral health treatment.

- Employment: The normalcy law does not impact existing law that a youth under 18 needs a parent or legal guardian to complete the employment authorization form.
- Driving: Under current law, a minor needs the permission of a parent or legal guardian to get a learner's permit, which precedes a probationary license.
- Tattoos/Piercings: Under current law, a minor needs the consent of a parent or legal guardian to get a tattoo or piercing.